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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/760,261 | 01/21/2004 | Kia Silverbrook | RRA32US | 1037 |
| 24011 | 7590 | 03/27/2006 | EXAMINER | |
| SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA | | | CHOI, HAN S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2853 | |

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,261

Applicant(s)

SILVERBROOK, KIA

Examiner

Han S. Choi

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (US Pat. 6,799,610) in view of Kyser et al. (US Pat. 4,183,031).

Yuen discloses elements of the claimed invention. Yuen teaches in [Col. 3, Lines 2-4] an ink fill apparatus [10] including a first housing member [12] and a second housing member [14] that may be moved relative to each other. Yuen teaches in [Col. 3, Lines 5-9] the apparatus including a deformable ink pouch [16] in [Col. 2, Lines 49-50] that is positioned in the housing so that when first [12] and second [14] housing members move relative to each other or compresses, ink flows from the ink pouch [16]. Yuen teaches in [Col. 3, Lines 19-22] when first [12] and second [14] housing members are moved axially toward each other the ink pouch [16] is compressed. Yuen teaches in [Col. 3, Lines 27-34] the ink fill apparatus [10] includes a first [12] and second [14] housing member comprising a base and plunger [28].

Unlike the claimed invention, Yuen does not disclose an outlet to convey printing fluid to a point external to the housing. Moreover, Yuen does not disclose locking features to prevent disengagement of the first and second housings.

Kyser et al. discloses the remaining elements of the claimed invention. Kyser et al. teaches in [Col. 3, Lines 57-59] an outlet [24] arranged to convey printing fluid external to the housing in conjunction with relative sliding between the base and the plunger in [Col. 3, Lines 62-65]. Kyser et al. teaches in [Col. 4, Lines 18-25] a locking feature [38, 42] comprising complementary protrusions and indentations of the base and plunger.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teachings of Kyser et al. in the Yuen printer fluid dispenser for the purpose of transferring the compressed printing fluid external to the housing and to provide a locking mechanism to prevent disengagement.

Response to Arguments

3. Applicant's arguments filed 2/3/06 have been fully considered but they are not persuasive.

The applicant argues that the retaining protrusion [168] and the post-plunge recess [169] of the base and cover moldings locks the refill cartridge subsequent to the dispensing of the refill ink, which eliminates the potential for a user to attempt to replenish refill cartridge with an inferior ink. However, this limitation is not present in the claims. Therefore, no weight can be given without explicitly stating the limitation within the body of the claims. "Disengagement" is interpreted as it is.

Furthermore, the references Yuen (US Pat. 6,799,610) and Kyser et al. (US Pat. 4,183,031) can prevent disengagement of the first and second portions during or

subsequent refilling regardless of the intention of the user of the printing fluid dispenser such as by accident. Therefore, the arguments of why the first and second portions are brought out of engagement are irrelevant to the original rejection of the claims.

The amended claims 1 and 5 paraphrase the same limitations and does not change the scope of the original claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han S. Choi whose telephone number is (571) 272-8350. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSC
3/16/06


HAI PHAM
PRIMARY EXAMINER